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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Fax Cover Sheet

Date: 22 Apr 2003

| | |
|--|------------------------------|
| To: Attorney Harris A. Wolin | From: Caridad M. Everhart |
| Application/Control Number: 09/675,220 | Art Unit: 2825 |
| Fax No.: 212-894-5708 | Phone No.: 703-308-3455 |
| Voice No.: (212) 940-8800 | Return Fax No.: 703-872-9318 |
| Re: Interview Summary | CC: |

☐ Urgent ☐ For Review ☐ For Comment ☐ For Reply ☒ Per Your Request

Comments:

Number of pages 3 including this page

STATEMENT OF CONFIDENTIALITY

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Assistant Commissioner for Patents
Washington, DC 20231

Interview Summary

Application No.

09/675,220

Applicant(s)

NAKANO ET AL.

Examiner

Caridad M. Everhart

Art Unit

2825

All participants (applicant, applicant's representative, PTO personnel):

(1) Caridad M. Everhart

(3) _____

(2) Attorney Harris A. Wolin, Reg. No. 39,432

(4) _____

Date of Interview: 22 April 2003

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 1 (and others)

Identification of prior art discussed: Anderson

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

CARIDAD EVERHART
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

C. Everhart
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative faxed a letter in preparation for the interview. The letter pointed out that applicant's claims recite "two or more selected temperatures". The examiner pointed out page 4 of paper No. 6, in which col. 7, lines 11-24 and 33-37 of Anderson discloses two temperatures which are determined by Anderson. In addition, col. 12, lines 14-23 of Anderson discloses that the second sensor would also have power ratios calculated in controlling the temperature uniformity. (In paper No. 3, portions of Anderson were pointed out in which the determining of power ratios is disclosed by Anderson). It was not felt that Anderson was overcome for the finally rejected claims . Applicant's representative pointed out that the power ratios in applicant's invention were predetermined. Page 2, lines 20-23 and page 3, lines 8-10 of the specification were discussed. It is felt that limitations which are supported by these portions of the specification would require further search .

CME

Interview Summary

Application No.

09/675,220

Applicant(s)

NAKANO ET AL.

Examiner

Caridad M. Everhart

Art Unit

2825

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(1) Caridad M. Everhart.

(3) _____

(2) Attorney Harris A. Wolin, Reg. No. 39,432.

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Date of Interview: 22 April 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 1.

Identification of prior art discussed: Anderson.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative faxed a letter in preparation for the interview. The letter pointed out that applicant's claims recite "two or more selected temperatures". The examiner pointed out page 4 of paper No. 6, in which col. 7, lines 11-24 and 33-37 of Anderson discloses two temperatures which are determined by Anderson. In addition, col. 12, lines 14-23 of Anderson discloses that the second sensor would also have power ratios calculated in controlling the temperature uniformity. (In paper No. 3, portions of Anderson were pointed out in which the determining of power ratios is disclosed by Anderson). It was not felt that Anderson was overcome for the finally rejected claims . Applicant's representative pointed out that the power ratios in applicant's invention were predetermined. Page 2, lines 20-23 and page 3, lines 8-10 of the specification were discussed. .

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

KMZ Ros nman
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April 22, 2003

Via Fax to 703-746-4107 (1 page only)

Examiner Caridad M. Everhart
United States Patent and Trademark Office

Re: U.S. Patent Application 09/675,220
Method and Apparatus for Controlling ...
Our Ref.: 3094/FLK (032878-87728)

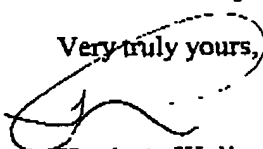
Dear Examiner Everhart:

In preparation for our interview this afternoon or Thursday, April 24, 2003, please consider the following:

Please refer to the response dated September 12, 2002, to the first office action of the subject application. In the response, Applicants argued that "the method of the present invention is for controlling temperatures in a semiconductor manufacturing apparatus having a plurality of heating sources by way of determining a set of power ratios to be fed to the heating sources for each of two or more selected temperatures and controlling a given temperature based on the predetermined power ratios". And also Applicants argued, "Anderson is completely silent on the fact that a set of power ratios for two or more selected temperatures are predetermined and that the power ratios for a given temperature is determined based on predetermined power ratios for selected temperatures". However, you merely responded that "Anderson discloses the step of determining a set of power ratios (col. 8, lines 3-15), which reads on the claim language. Anderson teaches a determining step and a controlling step." and did not make any comment to the Applicants' argument based on the point where a plurality of power ratios are determined for corresponding temperatures.

Applicants think the inventive features of the present invention lie in that subject point mentioned above. In reviewing your response, Applicants believe that you seem not to understand the inventive features of the present invention and also the essence of the Applicant's argument. Therefore, Applicants wish to know whether you have fully considered the inventive features of the present invention.

Very truly yours,


Harris A. Wolin
Registration No. 39,432

Chicago

New York

Los Angeles

Washington, DC

Charlotte

Palo Alto

Newark

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A Law Partnership including Professional Corporations

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